



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,965	10/24/2003	Barry A. O'Mahony	P17150	1852

25694 7590 11/30/2006

INTEL CORPORATION
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2618

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,965

Applicant(s)

O'MAHONY, BARRY A.

Examiner

THUAN T. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 and 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restriction

1. Applicants elects group I, claims 1-8 and 16-21), for prosecution; and the election is made without traverse as noted. Claims 9-15 and 22-30 are being treated as non-elected claims, and they should be canceled in subsequent response from the applicants.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-8 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kerper (U.S. Patent No. 7,106,833 B2).

Regarding claim 1, Kerper teaches a method to determine whether if a device emits electromagnetic interference (EMI) in one or more regions of an electromagnetic spectrum occupied by other users; if yes, reducing the EMI in one or more regions and increasing the EMI in one or more other regions of the electromagnetic spectrum that are unoccupied by other users, i.e., as shown in Figs. 1 & 3, EMI is identified within the network and a database for storing parameters which needs to evaluate and automatically fixing/adjusting EMI problems by assign

Art Unit: 2618

or reshuffle the different transmit powers of each device and by optimizing its spectra for optimization efficiency (refer to col. 3/lines 30-49 & col. 4/lines 20-65).

As for claims 2-3, Kerper teaches these feature as the algorithm calculates whether to reduce, remove or increase EMI in one or more regions (refer to col. 5/lines 4-32 & Fig. 7 and col. 9/line 27 to col. 10/line 24).

As for claim 4, this is inherently suggested as Kerper uses the term “subscriber” which referred to the licensed users (Fig. 1, and col. 5/line 59 to col. 6/line 20).

As for claims 5-8, these features refer to the steps of checking whether a user is a licensed user and the determination of the location of the licensed users by accessing the database for information (Fig. 1 again for the database, col. 5/lines 4-32; col. 9/line 27 to col. 10/line 24 for algorithm on joint optimality and spectral compatibility; and col. 16/lines 31-59 for algorithm to determine the spectral density of subscribers).

As for claims 16-21, these claims, with same features as addressed earlier in claims 1-8, are rejected for the reason given in the scope of claims 1-8 as disclosed above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Haugli et al, Andrews, Philips et al., Hale et al.and Olgaard et al. (in PTO 892 attached) disclose systems related to communication systems and their techniques on EMI reduction.

Art Unit: 2618

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the New Central Fax number:


(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895.

The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER *FSB*

Tony T. Nguyen
Art Unit 2618
November 21, 2006